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Attorney Docket No. DEM1P007



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of: **Neal et al.**

Serial No. : **09/888,340**

Art Unit: 2161

Filed: **June 22, 2001**

Examiner: Unknown

For: **PRICE OPTIMIZATION WITH RULE RELAXATION**

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Box: Non-Fee Amendment
Hon. Assistant Commissioner for Patents
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July 12, 2002

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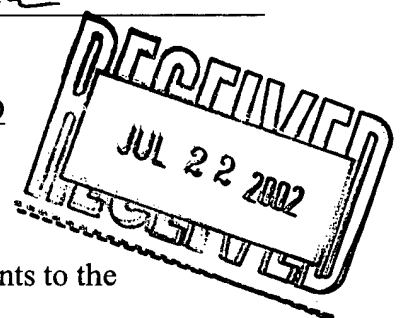
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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to: Commissioner for Patents, Washington, D.C. 20231 on July 12, 2002.

Signed: Kayla

INFORMATION DISCLOSURE STATEMENT FILED

UNDER 37 C.F.R. §§ 1.56 AND 1.97(b)



Pursuant to 37 C.F.R. § 1.56, Applicants bring the following documents to the Examiner's attention in the referenced application.

1. "Report of Novelty Search" by Patentec, dated Feb 9, 2001.
2. U.S. Patent Number 6,094,641 to K. Ouimet et al. entitled "METHOD FOR INCORPORATING PSYCHOLOGICAL EFFECTS INTO DEMAND MODELS."
3. U.S. Patent Number 6,078,893 to K. Ouimet et al. entitled "METHOD FOR STABILIZED TUNING OF DEMAND MODELS."

4. U.S. Patent Number 5,987,425 to Hartman et al. entitled "VARIABLE MARGIN PRICING SYSTEM."
5. U.S. Patent Number 5,878,400 to Carter, III entitled "METHOD AND APPARATUS FOR PRICING PRODUCTS IN MULTI-LEVEL PRODUCT AND ORGANIZATIONAL GROUPS."
6. U.S. Patent Number 5,873,069 to Reuhl et al. entitled "SYSTEM AND METHOD FOR AUTOMATIC UPDATING AND DISPLAY OF RETAIL PRICES."
7. U.S. Patent Number 5,822,736 to Hartman et al. entitled "VARIABLE MARGIN PRICING SYSTEM."
8. U.S. Patent Number 5,377,095 to Maeda et al. entitled "MERCHANDISE ANALYSIS SYSTEM WITH SALES DATA TABLE AND VARIOUS FUNCTIONS FOR PREDICTING THE SALE BY ITEM."
9. U.S. Patent Number 5,117,354 to Long et al. entitled "AUTOMATED SYSTEM FOR PRICING AND ORDERING CUSTOM MANUFACTURED PARTS."
10. U.S. Patent Number 6,032,125 to Ando et al. entitled "DEMAND FORECASTING METHOD, DEMAND FORECASTING SYSTEM, AND RECORDING MEDIUM."
11. U.S. Patent Number 6,009,407 to Garg entitled "INTEGRATED MARKETING AND OPERATIONS DECISIONS-MAKING UNDER MULTI-BRAND COMPETITION."
12. U.S. Patent Number 5,712,985 to Lee et al. entitled "SYSTEM AND METHOD

FOR ESTIMATING BUSINESS DEMAND BASED ON BUSINESS
INFLUENCES.”

13. U.S. Patent Number 6,125,355 to Bekaert et al. entitled “PRICING MODULE FOR FINANCIAL ADVISORY SYSTEM.”
14. U.S. Patent Number 6,032,123 to Jameson entitled “METHOD AND APPARATUS FOR ALLOCATING, COSTING, AND PRICING ORGANIZATIONAL RESOURCES.”
15. U.S. Patent Number 6,029,139 to Cunningham et al. entitled “METHOD AND APPARATUS FOR OPTIMIZING PROMOTIONAL SALE OF PRODUCTS BASED UPON HISTORICAL DATA.”
16. U.S. Patent Number 5,918,209 to Campbell et al. entitled “METHOD AND SYSTEM FOR DETERMINING MARGINAL VALUES FOR USE IN A REVENUE MANAGEMENT SYSTEM.”
17. U.S. Patent Number 5,249,120 to Foley entitled “AUTOMATED MANUFACTURING COSTING SYSTEM AND METHOD.”
18. U.S. Patent Number 5,063,506 to Brockwell et al. entitled “COST OPTIMIZATION SYSTEM FOR SUPPLYING PARTS.”
19. “Report of Novelty Search” by Patentec, dated July 25, 2001.
20. U.S. Patent Number 6,205,431 to T. Willemain et al. entitled “SYSTEM AND METHOD FOR FORECASTING INTERMITTENT DEMAND.”

21. U.S. Patent Number 5,459,656 to R. Fields et al. entitled "BUSINESS METHOD PROJECTION SYSTEM AND METHOD."
22. U.S. Patent Number 5,299,115 to R. Fields et al. entitled "PRODUCT DEMAND SYSTEM AND METHOD."
23. U.S. Patent Number 5,799,286 to J. Morgan et al. entitled "AUTOMATED ACTIVITY-BASED MANAGEMENT SYSTEM."
24. U.S. Patent Number 5,732,401 to D. Conway entitled "ACTIVITY BASED COST TRACKING SYSTEMS."
25. Stephen J. Hoch et al., "Store Brands and Category Management", The Wharton School, University of Pennsylvania, March 1998, pp. 1-38
26. Bruce G.S. Hardie et al., "Attribute-based Market Share Models: Methodological Development and Managerial Applications" University of Pennsylvania, Working Paper 98-009, pp. 1-48
27. Alan Mercer, "Non-linear Price Effects", Journal of the Market Research Society, dated 7/1/96, p.227
28. Rockney G. Walters, "Assessing the Impact of Retail Price Promotions on Product Substitution, Complementary Purchase, and Interstore Sales Displacement", Journal of Marketing, Vol. 55, April 1991, pp. 17-28
29. Robert C. Blattberg et al., "How Promotions Work", Marketing Science, Vol. 14, No. 3, Part 2 of 2, 1995, pp. G122-G132

30. Peter M. Guadagni et al., "A Logit Model of Brand Choice Calibrated on Scanner Data", Marketing Science, Vol. 2, No. 3, Summer 1983, pp. 203-238
31. Lee G. Cooper et al., "Standardizing Variables in Multiplicative Choice Models", Journal of Consumer Research, Vol. 10, June 1983, pp. 96-108
32. Eileen Bridges et al., "A High-Tech Product Market Share Model With Customer Expectations" Marketing Science, Vol. 14, No. 1, Winter 1995, pp. 61-81
33. Richard R. Batsell, et al., "A New Class of Market Share Models", Marketing Science, Vol. 4, No. 3, Summer 1985, pp. 177-198
34. Jagmohan S. Raju, "The Effect of Price Promotions on Variability in Product Category Sales", Marketing Science, Vol. 11, No. 3, Summer 1992, pp. 207-220
35. Robert J. Dolan, "How Do You Know When the Price is Right?", Harvard Business Review, September-October 1995, pp. 5-11
36. Fusun Gonul, "Modeling Multiple Sources of Heterogeneity in Multinomial Logit Models: Methodological and Managerial Issues", Marketing Science, Vol. 12, No. 3, Summer 1993, pp. 213-229
37. Robert M. Schindler et al., "Increased Consumer Sales Response through Use of 99-Ending Prices", Journal of Retailing, 6/1/96, p. 187
38. Francis J. Mulhern et al., "The Relationship between Retail Price Promotions and Regular Price Purchases", Journal of Marketing, Vol. 59, October 1995, pp. 83-90
39. John Deighton et al., "The Effects of Advertising on Brand Switching and Repeat

- Purchasing”, Journal of Marketing Research, Vol. XXXI, February 1994, pp. 28-43
40. Sunil Gupta, “Reflections on ‘Impact of Sales Promotions on When, What, and How Much to Buy’”, Journal of Marketing Research, Vol. XXX, November 1993, pp. 522-24
 41. Richard A. Briesch, “Does it Matter How price Promotions Are Operationalized?”, Marketing Letters 8:2 (1997), pp. 167-181
 42. Byung-Do Kim et al., “Modeling the Distribution of Price Sensitivity and Implications for Optimal Retail Pricing”, Journal of Business & Economic Statistics, July 1995, Vol. 13, No. 3
 43. William R. Dillon et al., “A Segment-level Model of Category Volume and Brand Choice”, Marketing Science, Vol. 15, No. 1, 1996, pp. 38-59
 44. Stephen J. Hoch et al., “Determinants of Store-Level Price Elasticity”, Journal of Marketing Research, Vol. XXXII (February 1995), pp 17-29
 45. Magid M. Abraham et al., “An Implemented System for Improving Promotion Productivity Using Store Scanner Data”, Marketing Science, Vol. 12, No 3, Summer 1993
 46. Peter S. Fader et al., “Modeling Consumer Choice among SKUs”, Journal of marketing Research, Vol. XXXII (November 1996), pp. 442-452
 47. Rossi Delorgio, & Kantor; “Making Sense of Scanner Data,” Harvard Business Review, Reprint F00205

48. Bucklin & Gupta, "Brand Choice, Purchase Incidence, and Segmentation: An Integrated Modeling Approach," *Journal of Marketing Research*, May 1992, PP. 201-215, Vol. XXIX
49. Smith Mathur, & Kohn; "Bayesian Semiparametric Regression: An Exposition and Application to Print Advertising;: January 3, 1997; Australian Graduate School of Management, University of New South Wales, Sydney 2025, Australia
50. Blattberg and Deighton, "Manage Marketing by the Customer Equity," *Harvard Business Review*, July-August 1996, pp. 136-144
51. Christen, Gupta, Porter, Staelin & Wittink; "Using Market-Level Data to Understand the Effectiveness of Promotional Activities;" December 22, 1995
52. Link, "Are Aggregate Scanner Data Models Biased?," *Journal of Advertising Research*, September/October 1995, pp. RC8-RC12, ARF
53. Russell & Kamakura, "Understanding Brand Completion Using Micro and Macro Scanner Data," *Journal of Marketing Research*, Vol. XXXI (May 1994), pp. 289-303
54. Jomes, "The Double Jeopardy of Sales Promotions," *Harvard Business Review*, September-October 1999, pp. 145-152
55. Buzzell, Quelch, & Salmon; "The Costly Bargain of Trade Promotion;" *Harvard Business Review*, Reprint 90201, March-April 1990, pp. 1-9
56. Curry, Divakar, Mathur & Whiteman; "Bvar as a Category Management Tool: An Illustration and Comparison with Alternative Techniques;" *Journal of*

Forecasting, Vol. 14, Iss. No. 3 (1995), pp. 181-199

Citation of the above documents shall not be construed as an admission that the documents are necessarily prior art with respect to the referenced application. Furthermore, citation of the above documents shall not be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This information Disclosure Statement is: (i) filed within three (3) months of the filing date of the above-referenced application, (ii) believed to be filed before the mailing date of a first Office Action on the merits or, (iii) believed to be filed before the mailing of a first Office Action after the filing of a Request for Continued Examination under §1.114. Accordingly, it is believed that no fees are due in connection with the filing of this Information Disclosure Statement.

If the Examiner has any questions or comments with respect to the present application, the Examiner is respectfully invited to telephone the undersigned at (925) 570 8198.

Respectfully submitted,



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PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
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09/888,340LIST OF DOCUMENTS CITED BY APPLICANT
TO COMPLY WITH 37 C.F.R. 1.56

APPLICANT

Neal et al.

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	6,094,641	07/25/00	Ouimet et al.	705	10	
	AB	6,078,893	06/20/00	Ouimet et al.	705	10	
	AC	5,987,425	11/16/99	Hartman et al.	705	20	
	AD	5,878,400	03/02/99	Carter, III	705	20	
	AE	5,873,069	02/16/99	Reuhl et al.	705	20	
	AF	5,822,736	10/13/98	Hartman et al.	705	1	
	AG	5,377,095	12/27/94	Maeda et al.	364	401	
	AH	5,117,354	05/26/92	Long et al.	364	401	
	AI	6,032,125	02/29/00	Ando	705	10	
	AJ	6,009,407	12/28/99	Garg	705	10	
	AK	5,712,985	01/27/98	Lee et al.	395	207	
	AL	6,125,355	09/26/00	Bekaert et al.	705	36	
	AM	6,032,123	02/29/00	Jameson	705	8	
	AN	6,029,139	02/22/00	Cunningham et al.	705	10	
	AO	5,918,209	06/29/99	Campbell et al.	705	5	
	AP	5,249,120	09/28/93	Foley	364	401	

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FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
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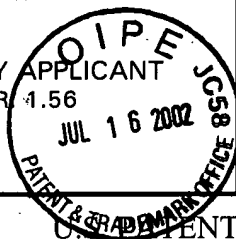
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF DOCUMENTS CITED BY APPLICANT TO COMPLY WITH 37 C.F.R. 1.56	ATTY. DOCKET NO. DEM1P007	SERIAL NO. 09/888,340
	APPLICANT Neal et al.	
	FILING DATE 6/22/01	GROUP 2161



U.S. PATENT DOCUMENTS

EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AQ	5,063,506	11/05/91	Brockwell et al.	364	402	
	AR	6,205,431	03/30/01	Willemain et al.	705	10	
	AS	5,459,656	10/17/95	Fields et al.	364	401	
	AT	5,299,115	03/29/94	Fields et al.	364	401	
	AU	5,799,286	08/25/98	Morgan et al.	705	30	
	AV	5,732,401	03/24/98	Conway	705	29	

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	BD	Bruce G.S. Hardie et al., "Attribute-based Market Share Models: Methodological Development and Managerial Applications", University of Pennsylvania, Working Paper 98-009, pp. 1-48					
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	BI	Lee G. Cooper et al., "Standardizing Variables in Multiplicative Choice Models", Journal of Consumer Research, Vol. 10, June 1983, pp. 96-108					
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	BM	Robert J. Dolan, "How Do You Know When the Price is Right?", Harvard Business Review, September-October 1995, pp. 5-11					
	BN	Fusun Gonul, "Modeling Multiple Sources of Heterogeneity in Multinomial Logit Models: Methodological and Managerial Issues", Marketing Science, Vol. 12, No. 3, Summer 1993, pp. 213-229					
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	BR	Sunil Gupta, "Reflections on 'Impact of Sales Promotions on When, What, and How Much to Buy'", Journal of Marketing Research, Vol. XXX, November 1993, pp. 522-24					
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BY	Rossi Delorgio, & Kantor; "Making Sense of Scanner Data," Harvard Business Review, Reprint F00205
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CA	Smith, Mathur, & Kohn; "Bayesian Semiparametric Regression: An Exposition and Application to Print Advertising;: January 3, 1997; Australian Graduate School of Management, University of New South Wales, Sydnet 2025, Australia
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